

REMARKS

No Claims are amended, cancelled, or added. Therefore, Claims 1, 32, 63, and 94-113 are pending in the application. The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art. Each issue raised in the Office Action mailed October 28, 2008 is addressed hereinafter.

I. ISSUES NOT RELATING TO PRIOR ART

A. CLAIM 95

Claim 95 is rejected under 35 U.S.C. § 112, second paragraph, as failing to comply with the written description requirement. The rejection is respectfully traversed.

The Applicants have previously referred the Examiner to paragraph [0130] as disclosing the feature in Claim 95 of “wherein the notification does not indicate any names of any individual who participates in requesting information about the particular athlete”. That paragraph includes the following language, “[i]n one embodiment, the athlete recruiting system notifies an athlete about the identities of interested organizations, but **without disclosing the names of any individuals who participated in generating a hit**” (emphasis added). Therefore, the Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph be removed.

II. ISSUES RELATING TO PRIOR ART

A. CLAIMS 1, 32, 63 AND 94-113

Claims 1, 32, 63 and 94-113 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Erdelyi (US Patent 6,631,522; hereinafter, “Erdelyi”) in view of the beRecruited.com website (dated 12/17/2003; hereinafter, “beRecruited.com”) in further view of Sai et al. (US Patent 6,822,661; hereinafter, “Sai”). The rejection is respectfully traversed.

The Examiner admitted in the Final Office Action that neither Erdelyi nor beRecruited.com teaches Claim 1's feature of "in response to receiving the request to view the particular motion video, sending, to the particular athlete, over a communication network, a notification that the recruiting entity requested information about the particular athlete." Erdelyi and the beRecruited.com website fail to teach notifying an athlete when a recruiting entity has specifically viewed the athlete's motion video(s) (see Final Office Action page 7).

The Sai reference does not cure the deficiencies of Erdelyi and beRecruited.com. Sai discloses displaying information about a particular video content in an electronic program guide, where the information indicates whether the particular video has been "already viewed" (see Sai Abstract; Fig. 6). First, Sai does not teach or suggest any "notification". Furthermore, Sai also does not teach or suggest that the particular video needs to have been viewed by any entities other than the user. Indeed, since the electronic program guide is most likely displayed on the user's own video-viewing device, an indication of "already viewed" for a particular video would most likely suggest that the video has been viewed by the user himself. Therefore, Sai teaches away from notifying a user that a particular video has been viewed by another entity.

Furthermore, the Applicants wish to emphasize that the beRecruited.com website does not notify an athlete that a recruiting entity has simply requested information about the athlete. The beRecruited.com website allows an athlete to access information that indicates whether a recruiting entity has bookmarked the athlete, but this does not teach notifying the athlete when the recruiting entity has simply requested information about the athlete without bookmarking the athlete. Indeed, according to beRecruited.com, an athlete should not worry if no coaches have "bookmarked" the athlete because the coaches may "choose to follow athletes with other methods" such as "saving html documents, printing profiles, using automatic notifications, creating recruit databases, etc." (see answer to Question 9 in the "Athletes & Parents" section). In other words, a recruiting entity (e.g., coach) may request information about the athlete (e.g., printing a profile) without the athlete's knowledge.

For all these reasons, even if Erdelyi, beRecruited.com, and Sai are combined, these references would not teach or suggest to a person of ordinary skill in the art Claim 37's feature of "in response to receiving the request to view the particular motion video, sending, to the particular athlete, over a communication network, a notification that the recruiting entity requested information about the particular athlete" at the time of invention. Therefore, the Applicants respectfully submit that Claim 1 is patentable over Erdelyi in view of beRecruited.com under 35 U.S.C. § 103(a).

Like Claim 1, Claims 32 and 63 also recite the feature "in response to receiving the request to view the particular motion video, sending, to the particular athlete, over a communication network, a notification that the recruiting entity requested information about the particular athlete." Therefore, the Applicants respectfully submit that Claims 32 and 63 also are patentable over Erdelyi in view of beRecruited.com under 35 U.S.C. § 103(a).

Claims 94-113 depend from Claim 1. Consequently, each of Claims 94-113 inherits, from Claim 1, the feature "in response to receiving the request to view the particular motion video, sending, to the particular athlete, over a communication network, a notification that the recruiting entity requested information about the particular athlete." Therefore, the Applicants respectfully submit that Claims 94-113 also are patentable over Erdelyi in view of beRecruited.com under 35 U.S.C. § 103(a).

III. CONCLUSIONS & MISCELLANEOUS

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by telephone relating to any issue that would advance examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If applicable, a check for the petition for extension of time fee and other applicable fees is enclosed herewith. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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Dated: 12/31/2008

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